IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

DOCKET NO. 3:07-cv-00503-FDW

HUBER ENGINEERED WOODS, LLC,)
Plaintiff,))
vs.) ORDER
PACTIV CORPORATION,))
Defendant.)
)

THIS MATTER comes now before the Court sua sponte to address the parties latest filing, labeled "Stipulation and Order Staying Discovery Pending Mediation" (Doc No. 19). This "Stipulation and Order" was submitted by the parties and has been docketed as an order, despite the fact that it has not been sanctioned by the Court and is, in fact, contrary to the Court's standard practice. Under section 4(d) of the Initial Scheduling Order, the parties may stipulate out of or object to the mandatory disclosure procedure. They may not, however, stipulate to a stay in discovery or otherwise arrest the progression of their suit. If the parties wish to pursue early mediation, that is their prerogative, but discovery deadlines and the management of this case are matters within the purview of the Court. As such, they may not be abrogated by simple agreement of the parties.

Therefore, it is hereby ORDERED that the "Stipulation and Order Staying Discovery Pending Mediation" (Doc. No. 19) be VACATED and that this case proceed to discovery. A Case Management Order will be forthcoming, setting forward the specific deadlines to which the parties shall adhere.

Signed: June 20, 2008

Frank D. Whitney
United States District Judge